

## REMARKS

In accordance with the foregoing, the specification has been amended. No new matter is presented in this amendment.

Claims 1-24 are pending and under consideration, with claim 1 being independent.

The specification has been amended to improve its form.

### Claims 1-2 and 13

Claims 1-2 and 13 were rejected under 35 USC 102(b) as being anticipated by Tokito et al. (Tokito) (U.S. Patent No. 5,780,174). This rejection is respectfully traversed.

The Examiner considers transparent conductive layer 14 in Fig. 1 of Tokito to be a first anode layer formed on the semi-transparent layer as a predetermined pattern as recited in independent claim 1. However, it is submitted that nothing whatsoever in Fig. 1 of Tokito or any other portion of Tokito discloses that transparent conductive layer 14 is formed as a predetermined pattern as recited in claim 1.

Tokito's transparent conductive layer 14 is shown only in cross section in the figures of Tokito, and no pattern is shown in these figures. The word "pattern" is used in Tokito only in the term "radiation pattern", such as with reference to Fig. 8.

Accordingly, it is submitted that Tokito does not disclose a first anode layer formed on the semi-transparent layer as a predetermined pattern as recited in claim 1 as alleged by the Examiner.

The Examiner considers column 3, lines 28-32, of Tokito to disclose the feature of claim 1 wherein an optical distance between a top surface of the semi-transparent layer and a bottom of the cathode layer is determined to be a least integer multiple of half the peak wavelengths of light of a predetermined set of colors.

This claimed feature of the present invention is described, for example, in paragraphs [0037]-[0038] of the specification which describe that the optical distance between a top surface of semi-transparent layer (thin metal layer) 33 and a bottom surface of cathode layer 37 is determined to be a least integer multiple (least common integer multiple) of half the peak wavelengths of light of a predetermined set of colors (red, green, and blue, for example).

In contrast, column 3, lines 28-32, of Tokito relied on by the Examiner merely says that the optical length L of a micro-optical resonator should be integer multiples of half of the wavelength (singular) of light in order for the light to resonate with the micro-optical resonator. Nothing in this portion of Tokito or in any other portion of Tokito says that the optical length L should be a least integer multiple as recited in claim 1, or that it should be a least integer multiple of half the peak wavelengths (plural) of light of a set of predetermined colors as recited in claim 1.

Furthermore, Tokito specifically discloses that the optical length L is set to 3 times the half wavelength of a single required emission wavelength. See Fig. 5 of Tokito which shows the optical length L being set to 3 times the half wavelength of light having a single wavelength and the corresponding description in column 8, lines 12-15, and column 8, line 56, through column 9, line 1, of Tokito.

It is noted that the multiple emission peaks shown in Figs. 7, 9-10, and 16 of Tokito and the multiple light intensity distributions shown in Fig. 17 of Tokito do not represent light of a set of predetermined colors as recited in claim 1, but represent emission peaks and light intensity distributions at different viewing angles  $\theta = 0^\circ, 30^\circ, 45^\circ$ , and  $60^\circ$ .

Figs 7-8 of Tokito and column 9, line 44, through column 10, line 55, of Tokito disclose an embodiment of Tokito's invention in which the optical length L is set to 3 times the half wavelength of light having a single wavelength of 500 nm.

Fig. 9 and column 10, line 56, through column 11, line 21, of Tokito disclose a comparative example (not an embodiment of Tokito's invention) in which the optical length L is set to 5 times the half wavelength of light having a single wavelength of 500 nm.

Figs. 10-11 and column 11, lines 22-40, of Tokito disclose a comparative example (not an embodiment of Tokito's invention) in which the optical length L is set to 3 times the half wavelength of light having a single wavelength of 570 nm. Figs. 10-11 show that this comparative example has inferior viewing angle and directivity characteristics compared to the embodiment of Tokito's invention shown in Figs. 7-8 referred to above.

According, for at least the reasons discussed above, it is submitted that Tokito does not disclose the feature of claim 1 wherein an optical distance between a top surface of the semi-transparent layer and a bottom of the cathode layer is determined to be a least integer multiple of half the peak wavelengths of light of a predetermined set of colors as alleged by the

Examiner.

Claims 2 and 13 depend from independent claim 1 and thus recite all of the features recited in claim 1 together with further features of the present invention. For at least the reasons discussed above in connection with claim 1, it is submitted that Tokito does not disclose the features of claim 1 which are discussed above and are recited in claims 2 and 13 by virtue of their dependency from claim 1.

Since Tokito does not disclose the features of claims 1-2 and 13 discussed above, it is submitted that claims 1-2 and 13 patentably distinguish over Tokito in the sense of 35 USC 102(b), and it is respectfully requested that the rejection of claims 1-2 and 13 under 35 USC 102(b) as being anticipated by Tokito be withdrawn.

#### Claims 3-4

Claims 3-4 were rejected under 35 USC 103(a) as being unpatentable over Tokito as applied to claim 1 in view of Dodabalapur et al. (Dodabalapur) (U.S. Patent No. 5,814,416).

Notwithstanding the position taken by the Examiner, it is noted that claims 3-4 depend directly or indirectly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention. For at least the reasons discussed above in connection with claim 1, it is submitted that Tokito does not disclose the features of claim 1 which are discussed above and are recited in claims 3-4 by virtue of their dependency from claim 1.

Nor is it seen where these features of claims 3-4 are suggested by Tokito, or are disclosed or suggested by Dodabalapur.

Since Tokito and Dodabalapur do not disclose or suggest the features of claims 3-4 discussed above, it is submitted that claims 3-4 patentably distinguish over Tokito and Dodabalapur in the sense of 35 USC 103(a), and it is respectfully requested that the rejection of claims 3-4 under 35 USC 103(a) as being unpatentable over Tokito in view of Dodabalapur be withdrawn.

Claims 5-6

Claims 5-6 were rejected under 35 USC 103(a) as being unpatentable over Tokito as applied to claim 1 in view of Komatsu et al. (Komatsu) (U.S. Patent Application Publication No. 2003/0117070). This rejection is respectfully traversed.

Although the Examiner has relied on Komatsu in the rejection of claim 5, the Examiner's explanation of the rejection of claim 5 includes the phrase "to incorporate the second anode of Forrest et al. into . . . ." It is presumed that this reference to Forrest et al. is an error, and will be treated as a reference to Komatsu.

Claim 5 recites the organic electroluminescent device of claim 1, further comprising a second anode layer between the transparent substrate and the semi-transparent layer.

The Examiner considers Fig. 7 of Komatsu to disclose a second anode layer 12 between a transparent substrate 10 and a semi-transparent layer 13, and is of the opinion that it would have been obvious to incorporate Komatsu's second anode layer 12 into Tokito's device.

However, according to paragraph [0095], lines 7-8, of Komatsu, Komatsu's layer 13 is actually an SiO<sub>2</sub> layer which is an insulator, rather than a semi-transparent layer as recited in claim 5 as alleged by the Examiner.

Accordingly, it is submitted that Tokito and Komatsu do not disclose or suggest a second anode layer between the transparent substrate and the semi-transparent layer as recited in claim 5 as alleged by the Examiner.

Furthermore, notwithstanding the position taken by the Examiner, it is noted that claims 5-6 depend directly or indirectly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention. For at least the reasons discussed above in connection with claim 1, it is submitted that Tokito does not disclose the features of claim 1 which are discussed above and are recited in claims 5-6 by virtue of their dependency from claim 1.

Nor is it seen where these features of claims 5-6 are suggested by Tokito, or are disclosed or suggested by Komatsu.

Since Tokito and Komatsu do not disclose or suggest the features of claims 5-6 discussed above, it is submitted that claims 5-6 patentably distinguish over Tokito and Komatsu in the sense of 35 USC 103(a), and it is respectfully requested that the rejection of claims 5-6

under 35 USC 103(a) as being unpatentable over Tokito in view of Komatsu be withdrawn.

#### Claims 7-12

Claims 7-12 were rejected under 35 USC 103(a) as being unpatentable over Tokito as applied to claims 1, 3, and 5 in view of Ito et al. (Ito) (U.S. Patent No. 5,652,067). This rejection is respectfully traversed.

At the outset, it is noted that claims 8 and 11 depend directly or indirectly from claim 3 which the Examiner rejected under 35 USC 103(a) as being unpatentable over Tokito as applied to claim 1 in view of Dodabalapur because, as recognized by the Examiner, Tokito does not disclose a transparent spacer layer between the semi-transparent layer and the first anode layer as recited in claim 3.

Since claims 8 and 11 depend directly or indirectly from claim 3, they also recite a transparent spacer layer between the semi-transparent layer and the first anode layer as recited in claim 3. Since the Examiner considers this feature of claims 8 and 11 to be taught by Dodabalapur but has not relied on Dodabalapur in the rejection of claims 8 and 11 and has not alleged that this feature of claims 8 and 11 is disclosed or suggested by Takito and Ito, it is submitted that claims 8 and 11 patentably distinguish over Tokito and Ito in the sense of 35 USC 103(a) because Takito and Ito do not disclose or suggest this feature of claims 8 and 11. Accordingly, it is respectfully requested that the rejection of claims 8 and 11 under 35 USC 103(a) as being unpatentable over Tokito in view of Ito be withdrawn.

Furthermore, it is noted that claims 9 and 12 depend directly or indirectly from claim 5 which the Examiner rejected under 35 USC 103(a) as being unpatentable over Tokito as applied to claim 1 in view of Komatsu because, as recognized by the Examiner, Tokito does not disclose a second anode layer between the transparent substrate and the semi-transparent layer as recited in claim 5.

Since claims 9 and 12 depend directly or indirectly from claim 5, they also recite a second anode layer between the transparent substrate and the semi-transparent layer as recited in claim 5. Since the Examiner considers this feature of claims 9 and 12 to be taught by Komatsu but has not relied on Komatsu in the rejection of claims 9 and 12 and has not alleged that this feature of claims 9 and 12 is disclosed or suggested by Takito and Ito, it is submitted

that claims 9 and 12 patentably distinguish over Tokito and Ito in the sense of 35 USC 103(a) because Takito and Ito do not disclose or suggest this feature of claims 9 and 12. Accordingly, it is respectfully requested that the rejection of claims 9 and 12 under 35 USC 103(a) as being unpatentable over Tokito in view of Ito be withdrawn.

Furthermore, notwithstanding the position taken by the Examiner, it is noted that claims 7-12 depend directly or indirectly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention. For at least the reasons discussed above in connection with claim 1, it is submitted that Tokito does not disclose the features of claim 1 which are discussed above and are recited in claims 7-12 by virtue of their dependency from claim 1.

Nor is it seen where these features of claims 7-12 are suggested by Tokito, or are disclosed or suggested by Ito.

Since Tokito and Ito do not disclose or suggest the features of claims 7-12 discussed above, it is submitted that claims 7-12 patentably distinguish over Tokito and Ito in the sense of 35 USC 103(a), and it is respectfully requested that the rejection of claims 7-12 under 35 USC 103(a) as being unpatentable over Tokito in view of Ito be withdrawn.

#### Claims 14-15

Claims 14-15 were rejected under 35 USC 103(a) as being unpatentable over Tokito as applied to claim 1 in view of Shi et al. (Shi) (U.S. Patent No. 5,998,805). This rejection is respectfully traversed.

As recognized by the Examiner, Tokito does not disclose the feature of claim 14 wherein the semi-transparent layer is a thin metal layer. However, the Examiner considers column 7, lines 31-32, of Shi to disclose a semi-transparent layer which is a thin metal layer, and is of the opinion that it would have been obvious to incorporate this semi-transparent layer into Tokito's device, presumably to replace multi-layer mirror 12 in Fig. 1 of Tokito which the Examiner considers to correspond to the semi-transparent layer recited in claim 1, "in order to reduce the number of layers required to produce the device".

Fig. 1 and column 7, lines 26-38, of Shi disclose a specific embodiment of Shi's semi-transparent layer as being a combination of a gold layer 52 and an indium-tin-oxide layer 45.

However, as shown in Fig 1 and described in column 7, lines 26-38, of Shi, Shi's semi-transparent layer which is a thin metal layer is used as an anode layer in Shi's device, rather than as a mirror as is Tokito's multi-layer mirror 12. It is submitted that nothing whatsoever in Tokito and Shi suggests that Shi's semi-transparent layer which is a thin metal layer used as an anode layer would be suitable to replace the multi-layered mirror 12 in Fig. 1 of Tokito as apparently alleged by the Examiner. Rather, it is submitted that the only suggestion that this be done is contained in the applicants' disclosure wherein the applicants have disclosed that the semi-transparent layer recited in claim 1 may be a thin metal layer as recited in claim 14.

However, the Examiner is prohibited from relying on the applicants' disclosure in a rejection under 35 USC 103(a) pursuant to MPEP 2143 which provides as follows (emphasis added):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. (Citation omitted.)

Accordingly, for at least the reasons discussed above, it is submitted that Tokito and Ueno do not disclose or suggest the feature of claim 14 wherein the semi-transparent layer is a thin metal layer as alleged by the Examiner.

Furthermore, notwithstanding the position taken by the Examiner, it is noted that claims 14-15 depend directly or indirectly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention. For at least the reasons discussed above in connection with claim 1, it is submitted that Tokito does not disclose the features of claim 1 which are discussed above and are recited in claims 14-15 by virtue of their dependency from claim 1.

Nor is it seen where these features of claims 14-15 are suggested by Tokito, or are disclosed or suggested by Shi.

Since Tokito and Shi do not disclose or suggest the features of claims 14-15 discussed above, it is submitted that claims 14-15 patentably distinguish over Tokito and Shi in the sense of 35 USC 103(a), and it is respectfully requested that the rejection of claims 14-15 under 35 USC 103(a) as being unpatentable over Tokito in view of Shi be withdrawn.

#### Claim 16

Claim 16 was rejected under 35 USC 103(a) as being unpatentable over Tokito as applied to claim 14 in view of Ueno et al. (Ueno) (U.S. Patent No. 6,228,457). This rejection is respectfully traversed.

As recognized by the Examiner, Tokito does not disclose the feature of claim 16 wherein the thin metal layer is formed of one of a silver-copper-gold alloy and a silver-palladium-copper alloy. However, the Examiner considers column 2, lines 40-43, of Ueno to disclose a thin metal layer formed of a silver-palladium-copper alloy, and is of the opinion that it would have been obvious to incorporate this thin metal layer into Tokito's device, presumably to replace multi-layer mirror 12 in Fig. 1 of Tokito which the Examiner considers to correspond to the semi-transparent layer recited in claim 14 from which claim 16 depends, "in order to prevent degradation of the device" as described in column 2, lines 55-67, of Ueno.

However, Ueno's device is an optical data storage medium such as a DVD, while Tokito's device is an organic electroluminescent device. It is submitted that nothing whatsoever in Tokito and Ueno discloses or suggests that Tokito's multi-layer mirror 12 suffers from any of the degradation problems discussed in column 2, lines 55-67, of Ueno relied on by the Examiner that Ueno's thin metal layer formed of a silver-palladium-copper alloy is designed to solve.

Accordingly, it submitted that nothing whatsoever in Tokito or Ueno suggests that Ueno's thin metal layer formed of a silver-palladium-copper alloy is suitable to replace Tokito's multi-layer mirror 12 as apparently alleged by the Examiner. Rather, it is submitted that the only suggestion that this be done is contained in the applicants' disclosure wherein the applicants have disclosed that the thin metal layer recited in claim 14 can be formed of one of a silver-copper-gold alloy and a silver-palladium-copper alloy.

However, the Examiner is prohibited from relying on the applicants' disclosure in a



rejection under 35 USC 103(a) pursuant to MPEP 2143 as discussed above.

Accordingly, for at least the reasons discussed above, it is submitted that Tokito and Ueno do not disclose or suggest the feature of claim 16 wherein the thin metal layer is formed of one of a silver-copper-gold alloy and a silver-palladium-copper alloy as alleged by the Examiner.

Furthermore, notwithstanding the position taken by the Examiner, it is noted that claim 16 depends indirectly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention. For at least the reasons discussed above in connection with claim 1, it is submitted that Tokito does not disclose the features of claim 1 which are discussed above and are recited in claim 16 by virtue of its dependency from claim 1.

Nor is it seen where these features of claim 16 are suggested by Tokito, or are disclosed or suggested by Ueno.

Since Tokito and Ueno do not disclose or suggest the features of claim 16 discussed above, it is submitted that claim 16 patentably distinguishes over Tokito and Ueno in the sense of 35 USC 103(a), and it is respectfully requested that the rejection of claim 16 under 35 USC 103(a) as being unpatentable over Tokito in view of Ueno be withdrawn.

#### Claims 17-18

Claims 17-18 were rejected under 35 USC 103(a) as being unpatentable over Tokito as applied to claim 1 in view of Himeshima et al. (Himeshima) (U.S. Patent No. 6,469,439). This rejection is respectfully traversed.

As recognized by the Examiner, Tokito does not disclose or suggest the features of claim 18 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer. However, the Examiner considers that column 5, line 27, through column 6, line 18, and elements 8, 6, and 2 in Figs. 10-12 of Himeshima disclose these features, and is of the opinion that it would have obvious to incorporate this configuration in Tokito's device "in order to provide a plurality of luminescent regions" based on column 5, lines 19-20, of Himeshima.

However, according to column 6, lines 14-18, of Himeshima, first electrodes 2 in Figs. 10-12 of Himeshima are anodes and second electrodes 8 in Himeshima are cathodes, and as

can be seen from Fig. 10 of Himeshima and as described in column 5, lines 13-17, of Himeshima, anodes 2 and emitting (organic) layer 6 are formed as a stripe pattern, and cathodes 8 are formed as a stripe pattern perpendicular to the stripe pattern of anodes 2, rather than anodes 2 being formed as a stripe pattern, and emitting (organic) layer 6 and cathodes 8 being formed as a stripe pattern perpendicular to the stripe pattern of the anodes 2 as would be required to provide the features of claim 18 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer

Accordingly, it is submitted that Tokito and Himeshima do not disclose or suggest the features of claim 18 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer as alleged by the Examiner.

Furthermore, notwithstanding the position taken by the Examiner, it is noted that claims 17-18 depend directly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention. For at least the reasons discussed above in connection with claim 1, it is submitted that Tokito does not disclose the features of claim 1 which are discussed above and are recited in claims 17-18 by virtue of their dependency from claim 1.

Nor is it seen where these features of claims 17-18 are suggested by Tokito, or are disclosed or suggested by Himeshima.

Since Tokito and Himeshima do not disclose or suggest the features of claims 17-18 discussed above, it is submitted that claims 17-18 patentably distinguish over Tokito and Himeshima in the sense of 35 USC 103(a), and it is respectfully requested that the rejection of claims 17-18 under 35 USC 103(a) as being unpatentable over Tokito in view of Himeshima be withdrawn.

#### Claims 19-20

Claims 19-20 were rejected under 35 USC 103(a) as being unpatentable over Tokito and Himeshima as applied to claims 1 and 17-18, and further in view of Inoguchi et al. (Inoguchi) (U.S. Patent No. 5,932,327). This rejection is respectfully traversed.

The Examiner considers Fig 1 of Tokito to disclose a semi-transparent layer (multi-layered mirror) 12 as recited in claim 1 from which claims 19-20 depend. However, as recognized by the Examiner, Tokito not disclose or suggest the feature of claims 19-20 wherein the semi-transparent layer is formed as a stripe pattern.

However, the Examiner considers that Fig. 2 of Inoguchi shows a semi-transparent layer (red color filter) 9 formed as a stripe pattern, and is of the opinion that it would have been obvious to form semi-transparent layer (multi-layered mirror 12) in Fig. 1 of Tokito as a stripe pattern as recited in claims 19-20 based on this teaching of Inoguchi.

However, it is readily apparent that Inoguchi's red color filter 9 and Tokito's multi-layered mirror 12 perform completely different functions, and it is submitted that nothing whatsoever in Tokito and Inoguchi would have motivated one of ordinary skill in the art to make the modification proposed by the Examiner. Rather, it is submitted that the only suggestion that this be done is contained in the applicants' disclosure, which the Examiner is prohibited from relying on in a rejection under 35 USC 103(a) by MPEP 2143 as discussed above.

Accordingly, it is submitted that Tokito, Himeshima, and Inoguchi do not disclose or suggest the feature of claims 19-20 wherein the semi-transparent layer is formed as a stripe pattern as alleged by the Examiner.

Furthermore, as recognized by the Examiner, Tokito does not disclose or suggest the feature of claim 20 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer. However, the Examiner considers that column 5, line 27, through column 6, line 18, and elements 8, 6, and 2 in Figs. 10-12 of Himeshima disclose these features, and is of the opinion that it would have been obvious to incorporate this configuration in Tokito's device "in order to provide a plurality of luminescent regions" based on column 5, lines 19-20, of Himeshima.

However, according to column 6, lines 14-18, of Himeshima, first electrodes 2 in Figs. 10-12 of Himeshima are anodes and second electrodes 8 in Himeshima are cathodes, and as can be seen from Fig. 10 of Himeshima and as described in column 5, lines 13-17, of Himeshima, anodes 2 and emitting (organic) layer 6 are formed as a stripe pattern, and cathodes 8 are formed as a stripe pattern perpendicular to the stripe pattern of anodes 2, rather than anodes 2 being formed as a stripe pattern, and emitting (organic) layer 6 and cathodes 8

being formed as a stripe pattern perpendicular to the stripe pattern of the anodes 2 as would be required to provide the features of claim 20 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer

Accordingly, it is submitted that Tokito, Himeshima, and Inoguchi do not disclose or suggest the features of claim 20 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer as alleged by the Examiner.

Furthermore, notwithstanding the position taken by the Examiner, it is noted that claims 19-20 depend directly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention. For at least the reasons discussed above in connection with claim 1, it is submitted that Tokito does not disclose the features of claim 1 which are discussed above and are recited in claims 19-20 by virtue of their dependency from claim 1.

Nor is it seen where these features of claims 19-20 are suggested by Tokito, or are disclosed or suggested by Himeshima and Inoguchi.

Since Tokito, Himeshima, and Inoguchi do not disclose or suggest the features of claims 19-20 discussed above, it is submitted that claims 19-20 patentably distinguish over Tokito, Himeshima, and Inoguchi in the sense of 35 USC 103(a), and it is respectfully requested that the rejection of claims 19-20 under 35 USC 103(a) as being unpatentable over Tokito in view of Himeshima and Inoguchi be withdrawn.

#### Claims 21-22

Claims 21-22 were rejected under 35 USC 103(a) as being unpatentable over Tokito, Dodabalapur, Himeshima, and Inoguchi as applied to claims 3, 17, and 19, and further in view of Himeshima. This rejection is respectfully traversed.

As recognized by the Examiner, Tokito does not disclose or suggest a transparent spacer layer as recited in claim 3 from which claims 21-22 depend. However, the Examiner considers Fig 1 of Dodabalapur to disclose a transparent spacer layer (filler layer) 16 as recited in claim 3, and is of the opinion that it would have been obvious to incorporate Dodabalapur's

transparent spacer layer (filler layer) 16 into Tokito's device "in order to optimize the distance between the reflecting layers without changing the thickness of the anode or emitting layers". However, as recognized by the Examiner, Tokito and Dodabalapur do not disclose or suggest the feature of claims 21-22 wherein the transparent spacer layer is formed as a stripe pattern.

However, the Examiner considers that Fig. 10 of Himeshima shows a spacer layer (spacer) 3 formed as a stripe pattern, and is of the opinion that it would have been obvious to form transparent spacer layer (filler layer 16) in Fig. 1 of Dodabalapur as a stripe pattern as recited in claims 21-22 based on this teaching of Himeshima.

However, it is readily apparent that Himeshima's spacer 3 and Dodabalapur's filler layer 16 perform completely different functions, and it is submitted that nothing whatsoever in Dodabalapur and Himeshima would have motivated one of ordinary skill in the art to make the modification proposed by the Examiner. Rather, it is submitted that the only suggestion that this be done is contained in the applicants' disclosure, which the Examiner is prohibited from relying on in a rejection under 35 USC 103(a) by MPEP 2143 as discussed above.

Accordingly, it is submitted that Tokito, Dodabalapur, Himeshima, and Inoguchi do not disclose or suggest the feature of claims 21-22 wherein the transparent spacer layer is formed as a stripe pattern as alleged by the Examiner.

As recognized by the Examiner in the explanation of claim 17, Tokito does not disclose or suggest the feature of claim 22 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer. However, the Examiner considers that column 5, line 27, through column 6, line 18, and elements 8, 6, and 2 in Figs. 10-12 of Himeshima disclose these features, and is of the opinion that it would have been obvious to incorporate this configuration in Tokito's device "in order to provide a plurality of luminescent regions" based on column 5, lines 19-20, of Himeshima.

However, according to column 6, lines 14-18, of Himeshima, first electrodes 2 in Figs. 10-12 of Himeshima are anodes and second electrodes 8 in Himeshima are cathodes, and as can be seen from Fig. 10 of Himeshima and as described in column 5, lines 13-17, of Himeshima, anodes 2 and emitting (organic) layer 6 are formed as a stripe pattern, and cathodes 8 are formed as a stripe pattern perpendicular to the stripe pattern of anodes 2, rather than anodes 2 being formed as a stripe pattern, and emitting (organic) layer 6 and cathodes 8

being formed as a stripe pattern perpendicular to the stripe pattern of the anodes 2 as would be required to provide the features of claim 22 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer

Accordingly, it is submitted that Tokito, Dodabalapur, Himeshima, and Inoguchi do not disclose or suggest the features of claim 22 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer as alleged by the Examiner.

Furthermore, notwithstanding the position taken by the Examiner, it is noted that claims 21-22 depend indirectly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention. For at least the reasons discussed above in connection with claim 1, it is submitted that Tokito does not disclose the features of claim 1 which are discussed above and are recited in claims 21-22 by virtue of their dependency from claim 1.

Nor is it seen where these features of claims 21-22 are suggested by Tokito, or are disclosed or suggested by Dodabalapur, Himeshima, and Inoguchi.

Since Tokito, Dodabalapur, Himeshima, and Inoguchi do not disclose or suggest the features of claims 21-22 discussed above, it is submitted that claims 21-22 patentably distinguish over Tokito, Dodabalapur, Himeshima, and Inoguchi in the sense of 35 USC 103(a), and it is respectfully requested that the rejection of claims 21-22 under 35 USC 103(a) as being unpatentable over Tokito in view of Dodabalapur, Himeshima, and Inoguchi be withdrawn.

#### Claims 23-24

Claims 23-24 were rejected under 35 USC 103(a) as being unpatentable over Tokito, Komatsu, Himeshima, and Inoguchi as applied to claims 5, 17, and 19, and further in view of Komatsu. This rejection is respectfully traversed.

As recognized by the Examiner in the explanation of claim 17, Tokito does not disclose or suggest the feature of claim 24 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer. However, the Examiner considers that column 5, line 27,

through column 6, line 18, and elements 8, 6, and 2 in Figs. 10-12 of Himeshima disclose these features, and is of the opinion that it would have obvious to incorporate this configuration in Tokito's device "in order to provide a plurality of luminescent regions" based on column 5, lines 19-20, of Himeshima.

However, according to column 6, lines 14-18, of Himeshima, first electrodes 2 in Figs. 10-12 of Himeshima are anodes and second electrodes 8 in Himeshima are cathodes, and as can be seen from Fig. 10 of Himeshima and as described in column 5, lines 13-17, of Himeshima, anodes 2 and emitting (organic) layer 6 are formed as a stripe pattern, and cathodes 8 are formed as a stripe pattern perpendicular to the stripe pattern of anodes 2, rather than anodes 2 being formed as a stripe pattern, and emitting (organic) layer 6 and cathodes 8 being formed as a stripe pattern perpendicular to the stripe pattern of the anodes 2 as would be required to provide the features of claim 24 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer

Accordingly, it is submitted that Tokito, Komatsu, Himeshima, and Inoguchi do not disclose or suggest the features of claim 24 wherein the first anode layer is formed as a stripe pattern, and the organic layer and the cathode layer are formed as a stripe pattern perpendicular to the stripe pattern of the first anode layer as alleged by the Examiner.

Furthermore, notwithstanding the position taken by the Examiner, it is noted that claims 23-24 depend indirectly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention. For at least the reasons discussed above in connection with claim 1, it is submitted that Tokito does not disclose the features of claim 1 which are discussed above and are recited in claims 23-24 by virtue of their dependency from claim 1.

Nor is it seen where these features of claims 23-24 are suggested by Tokito, or are disclosed or suggested by Komatsu, Himeshima, and Inoguchi.

Since Tokito, Komatsu, Himeshima, and Inoguchi do not disclose or suggest the features of claims 23-24 discussed above, it is submitted that claims 23-24 patentably distinguish over Tokito, Komatsu, Himeshima, and Inoguchi in the sense of 35 USC 103(a), and it is respectfully requested that the rejection of claims 23-24 under 35 USC 103(a) as being unpatentable over Tokito in view of Komatsu, Himeshima, and Inoguchi be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

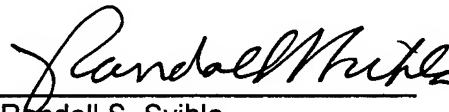
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 08/08/05

By:   
Randall S. Svihla  
Registration No. 56,273

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510